

ROOSEVELT CAN'T BE ORDERED TO GIVE TESTIMONY

Justice Thomas Makes Strong
Denial to Demand for
a Deposition.

CALLS IT "INDECOROUS."

President's Refusal to Testify
in Coler's Suit "Should
Not Be Gainsaid."

Mirabeau L. Towns, of counsel for
Bird S. Coler, Borough President of
Brooklyn, in Mr. Coler's suit against the
Brooklyn Eagle for libel, summoned
President Roosevelt as a witness in the
action a day or two ago. Mr. Towns
got this reply from Washington:

"The President of the United States
never testifies in court nor gives a de-
position."
WILLIAM LOEB JR.

This did not hold Mr. Towns at all.
He asked Justice Thomas, in Special
Term of the Supreme Court, to grant
an order to show cause why a commis-
sion should not be appointed to go to
Washington to take the President's
testimony.

When Mr. Roosevelt was Governor a
man named Mack brought charges
against Mr. Coler, who was then Com-
ptroller of the City. The object of Mr.
Towns was to show that the Mack
complaint was instigated by the Eagle and
that Gov. Roosevelt dismissed the
charges on finding that they were not
made in good faith.

"Executive" Is Exempt.

Justice Thomas denied the application
for a commission to force the Presi-
dent's testimony. In part, he said:

"The executive of a sovereign nation
may, with highest right and dignity, de-
cide for himself whether he will lay
aside his official duties to become a
witness in the court of another juris-
diction. If the evidence pertaining to his
duties as Governor of a State, some
eight years previous, his refusal to
testify would be doubly justified."

"In the present instance, the Presi-
dent, through his secretary, has made a
statement tantamount to such refusal,
and the issuance of such a commission
would be a useless, if not an indecorous
act, inasmuch as he is Commander-in-
Chief of the Army and Navy of the
United States, and, in effect, the per-
manent executive authority in the Dis-
trict of Columbia, and his refusal could
not and should not be gainsaid."

Justice Thomas also denied the applica-
tion on the ground that it was tech-
nically defective.

The trial of Mr. Coler's suit against
Justice Clark in the Supreme Court.

DEAD MAN MULCTED FOR GIRL'S BOARD BILL

Jury Finds Verdict for \$744
in Suit Based Upon a
Verbal Promise.

Mrs. Clara Blumert, of No. 24 Steuben
street, Brooklyn, was awarded a verdict
for \$744 by a jury before Justice Lehm-
an to-day, in a suit over one of the
most remarkable claims ever adjudicated
in the Supreme Court.

The action was brought against Wil-
liam M. Hoes, Public Administrator, as
executor of the estate of Martin Brennan,
who died without heirs and leaving
no will, with an estate which was stated
in the trial, by Mr. Hoes, to have been
between \$30,000 and \$50,000.

Mrs. Blumert testified that old Mr.
Brennan took a great fancy to Irene
Butter, a child of nine years, and paid
her marked attention.

"When her mother was on her death-
bed, in 1894, Mr. Brennan called to see
her," Mrs. Blumert testified, "and he
said to me: 'When her mother is gone, I want
you to take care of little Irene. If you
will give her a good home and see that
she goes to school, I will pay you.'"

"Mrs. Blumert died and I took care of
Irene. Mr. Brennan had said he wanted
to give her a 'big check' when she was
confirmed at church. The time for
Irene's confirmation came in 1898. I
dressed her in her white confirmation
dress and sent her to see Mr. Brennan.
But when she reached his house, she
found him dead. He had made no pro-
vision for her in his will or otherwise
and had never paid me anything. I kept
Irene one hundred and forty-four
weeks, and at \$5 a week, that would be
\$720."

AGED MAN IS RUN DOWN
BY AN AUTOMOBILE TRUCK.

Jacob Rosenberg Became Confused
When the Chauffeur Sounded
a Warning.

Crossing Willis avenue at One Hun-
dred and Thirty-eighth street, with his
head bent against the wind and rain to-
day, Jacob Rosenberg, seventy years
old, stepped in front of an approaching
automobile truck driven by Joseph
Reuterhaus. The chauffeur sounded a
warning, and Mr. Rosenberg, becoming
confused, dodged back and forth be-
tween the car track and the curb.

Reuterhaus could not stop his car and
the old man was run over. When he
was broken, he was injured internally
and had several severe wounds on his
head. Reuterhaus was arrested and held
in \$5,000 bail in Morrisania. A court
to award the result of the injuries his
truck had inflicted upon Rosenberg, who
was taken to Lincoln Hospital.

RAINEY ELECTED 'AT SIGHT' TO THE ANANIAS CLUB

Congressman Says So and Be-
lieves He Has Enough
Honors for One Session.

WASHINGTON, Feb. 10.—Congress-
man Rainey, of Illinois, whose speech
in the House on the Panama Canal pur-
chase has drawn forth a rebuke from
the State Department in an official re-
ply to the Panama Government's pro-
test, assumed to-day that he had been
elected to the Ananias Club. This was
based on the statement in Secretary
Bacons' letter as to the President's
view of Mr. Rainey's speech.

Mr. Rainey made a statement to-day
in which he said that he did not expect
President Obaldia, of Panama, or Presi-
dent Roosevelt, of the United States, to
agree with him. He added that it is
only necessary to arrive at some fact
uncompromisingly to the present Ad-
ministration to be elected to the Ananias
Club, provided the candidate has the
courage to make the facts public. In his
statement Representative Rainey said:

"I seemed to have been elected to the
Ananias Club 'at sight.' I am accepting
with becoming modesty the new honor
that has been conferred on me. Better
men than I belong to this distinguished
organization. On account of the very
large membership it has at the present
time it is not so much of an honor to
belong to it as it was three or four
years ago."

"On account of the fact, however, that
there may be many additions to the
Ananias Club after my speech, I have
been in the recent past, and on ac-
count of the fact that so many dis-
tinguished citizens belong to this or-
ganization, I am very glad to be admitted
now to the membership."

Within the last three weeks I have
been denounced by the General Assem-
bly of Panama, and also elected to mem-
bership in the Ananias Club, which
ought to be honors enough for one ses-
sion of Congress.

"I did not expect President Obaldia
and his Administration to agree with
my estimate of him and I did not ex-
pect the President of the United States
to agree with me in my estimate of him."

"The requirements of membership in
the Ananias Club are exceedingly sim-
ple, and I wonder that more do not ac-
cept the opportunity to join. In order
to be entitled to membership it is only
necessary to be industrious, to exercise
diligence and to arrive at some facts
not complimentary to the present Ad-
ministration. In addition to this, the
candidate must have the courage to make
the facts you have ascertained known."

WILL TALK OVER GOVERNOR'S PLAN

Republican County Commit-
tee to Get Views on Direct
Nominations.

The Republican County Committee to-
day appointed a committee of fifteen to
investigate and report on the subject of
direct nominations. This committee
will hold several meetings, at which
those for and against the Governor's
plan will be heard.

Upon the finding of the committee,
from which a speedy report is expected,
the county organization will determine
its attitude toward direct nominations
legislation.

The committee is composed of: Collin
H. Woodward, Chairman; Frederic L.
Marshall, Henry A. Wise, William M.
Bennett, Leonard J. Obermeyer, Abra-
ham S. Gilbert, James H. Stephens, Ju-
lius M. Mayer, William M. Chadbourne,
William H. Wadsworth, Edward K. Baird,
Merritt E. Haviland, William C. Myers,
Harry G. Kiesler and Richard W. Law-
rence.

Assemblyman Bennett is regarded as
a Hughes man, and although all are
staunch supporters of Chairman Herbert
Parsons, they are expected to fall in line
with the Governor's desire for a change
in the primaries law. Woodward and
Chivers are the only district leaders on
the committee.

CATULLE MENDES BURIED WITH MILITARY HONORS.

Noted Men Deliver Eulogies at the
Bier of Noted French Writer
—Monument Proposed.

PARIS, Feb. 10.—M. Catulle-Abraham
Mendes, the French poet and novelist,
who lost his life two days ago by step-
ping out of a train that was taking him
to his home in Saint Germain before the
cars were clear of a tunnel, was buried
in this city to-day with military and
civil honors, but without any religious
ceremony. At the Paris residence of the
poet there was a large and distinguished
gathering of his friends, who at the
gathering of his friends, who at the
ceremony eulogies were delivered by
Jean Richepin, Adolphe Brisson, Georges
Leconte and Gustave Kahn.

A movement has been started to erect
a monument in memory of M. Mendes.

ALLEGED ATTACK ON CHILD.

Edward Monheur, fifty-five years old,
of No. 122 West Twenty-eighth street,
was arraigned in Jefferson Market
Court to-day accused by Mrs. Sophie
Williams, of the same address, with
assaulting her seven-year-old daughter.

Home Tonic for Old People

After reaching the age of forty the human
system gradually declines in vitality and
strength and becomes less able each year to
combat sickness. It is then that the accu-
mulated poisons in the blood make them-
selves manifest by rheumatic pains in the
joints, muscles and back.

CONGRESS COUNTS ELECTORAL VOTE; THROUGH WATCHES

Fairbanks Presides at Joint
Session and Declaration Made
for Taft and Sherman.

WASHINGTON, Feb. 10.—The two
Houses of Congress met in joint session
in the hall of the House of Representa-
tives to-day to formally ratify the elec-
tion of William H. Taft, of Ohio, and
James S. Sherman, of New York, to be
President and Vice-President of the
United States respectively.

Vice-President Fairbanks, occupying a
seat on the right of Speaker Cannon,
presided. After announcing the purpose
of the gathering, he unlocked the wooden
boxes containing the electoral votes, ex-
tracting and opening them in alpha-
betical order by States.

As the votes of each State were opened
they were handed by the Vice-President
to the four tellers, Senators Burrows
and Bailey and Representatives Haines
and Russell, who counted them.

The count concluded, the result was
announced to the presiding officer, show-
ing 321 electoral votes for Taft and
Sherman and 132 votes for Bryan and
Kern. The Vice-President then inquired
if there was any protest against the
vote as announced, and, there being
none, he formally announced the elec-
tion of Taft and Sherman. The joint
session then ended, the members of the
Senate returning to their hall for the
regular transaction of business.

Owing to the limited capacity of the
hall of the House few persons other
than the families and relatives of the
members of the two houses witnessed the
ceremony.

PLAN TO REOPEN FERRIES ONCE MORE DELAYED

Metz Had Scheme Ready, but
There Was No Quorum
of Commission.

No action was taken to-day on the
matter of reopening the Williamsburg
ferry line because there was no quorum
at the meeting of the Sinking Fund
Commission. Comptroller Metz was
ready with his new proposition, but it
could not be acted on.

The Comptroller explained his scheme
to the members present. He told of a
talk with President Jovin, of the New
York Terminal Company, which owns
the ferries, and said that Mr. Jovin's
company would now consider leasing
any part of its Broadway terminal and
such of its boats as the city may re-
quire for any or all lines of the service
heretofore maintained by the ferry com-
pany.

The company will lease half its ter-
minal at Broadway for \$250,000 and re-
mission of taxes annually. It will pro-
vide eight boats for a rental of \$40,000
annually.

The company, however, reserves the
right to terminate the lease upon rea-
sonable notice to the city. In the event
the company finds a purchaser outright
for its plant.

The Comptroller added: "The Inter-
borough Ferry Company, which is now
operating the Greenpoint Ferries from
Greenpoint to Tenth and Twenty-third
streets, Manhattan, would operate such
routes as the city might desire estab-
lished for 25 per cent. of the net profits.
If, above the cost of operation, such
cost to be based upon the cost of operat-
ing its present ferries, with no adminis-

trative charges of any kind to be con-
sidered."

A large number of east side and Wil-
lamsburg business men were present to
advocate the reopening of the ferry sys-
tem, and expressed their disappointment
when no action was taken. Mayor Mc-
Clellan said that he would call another
meeting of the commission at the earli-
est possible moment.

LUCAS SAFE IN PORT.

Standard Oil Steamer Reported in
Trouble Reaches St. John.

Anxiety for the safety of the steamer
Capt. A. F. Lucas, of the Standard Oil
Company's fleet, was removed to-day
by word of her safe arrival at St. John,
N. B.

The Lucas is supposed to have been
the steamer reported by the incoming
liner Victoria de Larinaga as having
been sighted on Monday off Martha's
Vineyard in apparent difficulties. She
reported no trouble on her arrival at
St. John, however, and it is believed
her difficulties, if any, must have been
temporary.

What is Castoria

CASTORIA is a harmless substitute for Castor Oil, Paregoric, Drops
and Soothing Syrups. It is Pleasant. It contains neither Opium,
Morphine nor other Narcotic substance. Its age is its guarantee. It
destroys Worms and allays Feverishness. It cures Diarrhoea and Wind
Colic. It relieves Teething Troubles, cures Constipation and Flatulency. It
assimilates the Food, regulates the Stomach and Bowels, giving healthy and
natural sleep. The children's Panacea—The Mother's Friend.

The Kind You Have Always Bought, and which has been in use for over
30 years, has born the signature of Chas. H. Fletcher, and has been made under
his personal supervision since its infancy. Allow no one to deceive you in this.
All Counterfeits, Imitations, and "Just-as-good" are but Experiments that
trifle with and endanger the health of Infants and
Children—Experience against Experiment.

Genuine Castoria always bears the signature of *Chas. H. Fletcher*

IT MAKES LITTLE DIFFERENCE WHAT YOU NEED—A WORLD "WANT"
WILL GO AND GET IT.

DIAMONDS

WE TRUST ANY HONEST
PERSON: ONE PRICE.

CASH OR CREDIT

We do not ask employers' re-
ference. Call or write for il-
lustrated Catalogue 44.

L.W. SWEET & CO.

37-39 MAIDEN LANE, N.Y.C.

WATCHES & DIAMONDS

CASH OR CREDIT.
EASY PAYMENTS.
Agents will call if desired.

AM. WATCH & JEWELRY CO.

3 Maiden Lane. Tel. 3927 Court.

THE LOWEST PRICES in the City and PROFIT SHARING STAMPS

Redeemable in
Premiums or Merchandise

O'NEILL-ADAMS & CO.

Sixth Ave., 20th to 22d Street, N. Y.
Double Stamps up to 12 o'clock

ONE SURETY STAMP with Each Ten-Cent (10c) Purchase

Ten FREE Surety Stamps to
Start Each Book

Surety Stamps

We will redeem Books filled with Gold Standard Stamps which we have given
out for PREMIUMS or Merchandise. We will exchange in our Premium Parlor all
partly filled Books of Gold Standard Stamps which we have given out, one Surety
Stamp for one Gold Standard Stamp, until further notice.

Magnificent Values in This Extraordinary Sale of Waists---Lace and Net for Women

Beautiful styles that are worth in the ordinary way \$5.00 to \$16.00 each, but you must see the garments to fully ap-
preciate the remarkable values in this sale.

Choice \$2.95, \$4.95, \$8.75 Each.

In Both Buildings.

Special Sale and Showing of Dresses for Street and House Wear

made of
The American Printing Co.'s
Wash Fabrics,
\$1.95 & \$2.59

There are several models to select from, one of
which we illustrate.

Made in Princess models, of figured or dotted
materials, in light and dark colorings, such as navy
with white and white with navy, pongee with
brown, &c.

Some are trimmed with large floral border,
others with bands in conventional patterns.

House Gown Department,
Adams Building—Second Floor.

Furs and Fur Garments Marked at Less than Cost

Fur weather has yet to come this season
and you will count yourself lucky next
winter if you own any of these fine
garments at the prices we quote here.

Women's 50 inch Russian Pony Coats—
(like cut)—Lined with broad silk
and fancy buttons. Value \$69.00, for \$39.50

50 inch Russian Pony Coats

\$75.00 Coats for.....\$47.50
\$115.00 Coats for.....\$65.00
\$150.00 Coats for.....\$75.00
\$225.00 Coats for.....\$85.00

Women's Handsome Fur Lined Broadcloth
Coats

\$25.00 Coats for.....\$15.00
\$50.00 Coats for.....\$35.00
\$75.00 Coats for.....\$50.00

In Both Buildings.

Women's Broadcloth Coats For Spring 1909

Four distinctive and handsome new models ready for
your selection to-morrow at prices that mean excep-
tionally fine values at the beginning of the season.

They are made from fine broadcloth with trim-
mings of braids and buttons, with fine satin linings:

Value \$16.50.. \$10.50 Value \$21.50.. \$14.50
Value \$19.50.. \$12.50 Value \$25.00.. \$16.50

In Both Buildings.

Special Offering 1,250 Yards Bordered Silk & Cotton Pongees

36 inches wide, in Persian, floral and other de-
signs, at, per yard..... 38c

Value 58c.

White Irish Linen Suitings

Away Below Prevailing Prices

1,500 yards Union Linen Suitings, 36 inches wide,
medium weights. Value 35c. yard, at..... 22c

2,000 yards Pure Irish Linen Suitings, 36 inches wide,
extra good quality, for women's costumes. Value 58c.
yard, at..... 37c

2,700 Yards 47 Inch Pure Linen Suitings

Extra fine quality. Regular price 68c. per yard, at..... 42c

Wash Fabric Department—Both Buildings.

Advance Showing of Untrimmed Millinery for Spring

Untrimmed, Semi-Trimmed and Trimmed Hats for
mid-season wear, presenting the smartest models
from the Old World and the latest original ideas
of our own manufacturers.

Spangled Peroxlyn Braid Hats
in exclusive designs,
\$1.95, \$2.48 and up to \$10.00

Fancy Braid Hats—Newest Models
(almost ready-to-wear), silk lined, exceptional value at \$2.50

Jet Trimmings in Demand
and you will find them in fullest assortments here—Jet Cabochons,
Buckles, Wings, Aigrettes, Bands, Trimmings, etc., at exclusively
moderate prices.

O'Neill Building—Second Floor.

See Our Window Exhibit of Interesting Pictures, Showing Many Historic Scenes of The Life of Lincoln

A collection that has been gathered with a great deal of care and
that will appeal to every Patriotic American.

Our Great Annual Sale of Women's and Children's Shoes, Oxford Ties and Slippers at \$1.00

Continues Throughout the Week—Still Splendid Choosing in the Various Lots.

Thousands of pairs taken directly from our own regular stock. Women's that sold at \$2.50 to \$4.00 \$1.00
a pair; children's that sold at \$1.50 to \$3.00 a pair. Choice at.....

Adams Building—Second Floor.

WOMEN!

Look as young as you are. Don't allow worry lines to creep in. Avoid them by keeping your ner- vous system and digestive organs in perfect condition with Vinol.

VINOL repairs waste nerve tis- sue, and builds up strength.

Vinol is a Cod Liver and Iron Tonic.
It contains peptonate of iron and all
of the medicinal body-building prop-
erties of Cod Liver Oil—without the
oil. Vinol tastes good and agrees
with the weakest stomach.

ANAEMIA

Is a complaint peculiar to women. It follows on indoor occu-
pation—impure air—insuffi-
cient nourishment. Vinol is a
wonderful blood tonic—it en-
riches the blood and gives one
a good healthy color.

NERVOUSNESS

Is caused by overwork, indiges-
tion, or a run-down condition
of the blood. Vinol is an ideal
nerve tonic, it tones up the
organs of digestion, enriches
the blood and makes strong,
steady nerves.

RUN-DOWN

conditions are the result of in-
sufficient nourishing food, in-
digestion, worry, or overwork
of the brain or body. Vinol is
the most successful remedy
known. It cures indigestion,
purifies and enriches the blood
and creates strength.

SLEEPLESSNESS

Is caused by nerve troubles
and a weakened condition of
the system. If you are fidgety,
restless, toss about, and cannot
sleep nights, Vinol will
strengthen and invigorate the
entire nerve system and give
refreshing, restful sleep.

VINOL QUICKLY CURES A COLD AND STOPS A COUGH

Vinol

YOUR MONEY BACK IF VINOL FAILS TO HELP YOU

HEGEMAN & CO., 209 Broadway, 21 Park Row, 125th St. and 7th Av., 125th St.
and 126th St., 149th St. and 3d Av., 155th St. and Amsterdam Av., 161st St. and
Broadway, 210th St. and Broadway, and 214th St. and Broadway, Brooklyn.

BIRK'S DRUG STORES, 6th Av. and 23d St., Broadway and 9th St., West 34th
St., 14th St. and 5th Av., 25th St. and 14th St., in Brooklyn.

RINSHAW'S DRUG STORES, 125th St. and 8th Av., Broadway and 8th St., 59th
St. and 6th Av., 126th St. and 4th Av., 128th St. and 1st East 42d St.
and at every drug store where a Vinol size is displayed.

MICHIGAN FURNITURE CO.

High Grade Furniture
Liberal Credit Terms:

8.75 \$8 Down on \$50
\$6 Down on \$75
\$7.50 Down on \$100

An elegant Fur-
nished apart-
ment..... \$150.
On exhibition at our
Showrooms.

Golden Oak Exten-
sion Table, highly
polished.
Value \$15 7.98

Brass Bed, with 2-in.
posts, fine lac 8.75
quers; all sizes \$20
Actual value \$20

2174 3RD AVE. BET 118 & 119 ST